

2. In § 180.422 by revising the table therein, to read as follows:

§ 180.422 Tralomethrin; tolerances for residues.

* * * * *

| Commodity | Parts per million |
|----------------------|-------------------|
| Broccoli | 0.50 |
| Cottonseed | 0.02 |
| Lettuce, head | 1.00 |
| Lettuce, leaf | 3.00 |
| Soybeans | 0.05 |
| Sunflower seed | 0.05 |

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40 CFR Parts 180, 185, and 186

[OPP-300328A; FRL-4946-7]

RIN No. 2070-AB78

Pesticide Chemicals; Various Revocations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule revokes tolerances and food and feed additive regulations established for residues of 16 pesticide chemicals in or on certain raw agricultural commodities (RACs), processed foods, and animal feeds. A tolerance for the herbicide barban is changed to a time-limited tolerance, with an expiration date of January 1, 1998. EPA is initiating this action for those pesticides which have no food use registrations. The applicable registrations for these pesticides have been canceled because of nonpayment of maintenance fees or by registrant request.

EFFECTIVE DATE: This regulation becomes effective September 27, 1995.

ADDRESSES: Written objections and hearing requests, identified by the document control number [OPP-300328A], may be submitted to: Hearing Clerk (1900), Environmental Protection Agency, Rm. M3708, 401 M St., SW., Washington, DC 20460. Fees accompanying objections shall be labeled "Tolerance Petition Fees" and forwarded to: EPA, Headquarters Accounting Operations Branch, OPP (tolerance fees), P.O.Box 360277M, Pittsburgh, PA 15251. A copy of any objections and hearing requests filed with the Hearing Clerk should be identified by the document control number and should also be submitted to: Public Response and Program Resources Branch, Field Operations

Division (7605C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, deliver objections and hearing requests filed with the Hearing Clerk to: Rm. 1132, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA.

A copy of objections and hearing requests filed with the Hearing Clerk may also be submitted electronically by sending electronic mail (e-mail) to: opp-docket@epamail.epa.gov. Copies of objections and hearing requests must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Copies of objections and hearing requests will also be accepted on disks in WordPerfect in 5.1 file format or ASCII file format. All copies of objections and hearing requests in electronic form must be identified by the docket number [OPP-300328A]. No Confidential Business Information (CBI) should be submitted through e-mail. Electronic copies of objections and hearing requests on this rule may be filed online at many Federal Depository Libraries. Additional information on electronic submissions can be found below in this document.

FOR FURTHER INFORMATION CONTACT: By mail: Owen F. Beeder, Registration Division (7505W), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: 6th Floor, Crystal Station #1, Westfield Building, 2800 Jefferson Davis Highway, Arlington, VA, (703)-308-8351; e-mail: beeder.owen@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: In the Federal Register of April 14, 1994 (59 FR 17754), EPA issued a proposal to revoke all tolerances and food additive and feed additive regulations ("tolerances") established under sections 408 and 409 of the Federal Food, Drug and Cosmetic Act (21 U.S.C. 346a and 348) for residues of the herbicides tributylphosphorotrithioite, 2-chloroallyldiethyldithiocarbamate, norea, barban, sodium trichloroacetate, dinitramine, dipropetryn and bifenox; the plant regulators 1,2,4,5-tetrachloro-3-nitrobenzene and cycloheximide; the insecticides dimethyl phosphate of (*alpha*)-methylbenzyl 3-hydroxy-*cis*-crotonate, pirimiphos-ethyl, 2-chloro-1-(2,4-dichlorophenyl) vinyl diethyl phosphate, phenothiazine, *O,O*-dimethyl *O-p*-(dimethylsulfamoyl) phenyl phosphorothioate including its oxygen analog, and flucythrinate; and the fungicide hexachlorophene in or on raw agricultural commodities (RACs), processed foods, and feeds. EPA initiated this action because all

registered uses of these pesticide chemicals in or on RACs and processed foods and feeds have been canceled. The registrations for these pesticide chemicals were canceled because the registrant failed to pay the required maintenance fee, or the registrant voluntarily canceled all registered uses of the pesticide.

Following a review of comments received in response to this tolerance revocation proposal, the Agency has determined to proceed with the immediate revocation of the tolerances and food additive and feed additive regulations for all of the pesticides listed above with the exception of barban. In response to a comment, EPA has decided to delay the revocation of barban until January 1, 1998. EPA is effecting this delayed revocation by including an expiration date in the tolerance.

Two comments were received in response to the proposal in the Federal Register (59 FR 17754, April 14, 1994). One comment received from United Agri Products (UAP) on barban requested that the proposed tolerance revocation for barban (40 CFR 180.268) be delayed because of the adverse impact that would result to owners of existing stocks of barban and treated commodities if the revocation were to become final at this time. The Agency was advised of the existence of approximately 1,700 gallons of a formulation containing 2 lbs. of barban per gallon at UAP and of approximately 3,000 gallons at the dealer level. UAP requested that the Agency allow the existing stocks to be used over a 2-year period and proposed that January 1, 1998, be the earliest effective date for revocation of the tolerance. EPA agrees and is inserting an expiration date of January 1, 1998, in the barban (4-chloro-2-butynyl *m*-chlorocarbamate) tolerance regulation.

The other comment was received from Remel on cycloheximide and expressed concern that the revocation of the tolerance for cycloheximide would have an adverse effect on the import of cycloheximide into the United States for use as an ingredient in biological culture media. The Agency believes that the revocation of the tolerance on cycloheximide would not prevent the import of this chemical for a nonfood use. Therefore, this comment does not affect the revocation of the tolerance.

Therefore, based on the information considered by the Agency and discussed in detail in the April 14, 1994 proposal and in this final rule, the Agency is hereby revoking the tolerances listed below in 40 CFR parts 180, 185, and 186.

Any person adversely affected by this regulation may, within 30 days after publication of this document in the Federal Register, file written objections and/or a request for a hearing with the Hearing Clerk, at the address given above (40 CFR 178.20). A copy of the objections and hearing requests filed with the Hearing Clerk should be submitted to the OPP docket for this rulemaking. The objections submitted must specify the provisions of the regulation deemed objectionable and the grounds for the objections (40 CFR 178.25). Each objection must be accompanied by the fee prescribed by 40 CFR 180.33(i). If a hearing is requested, the objections must include a statement of the factual issue(s) on which a hearing is requested, the requestor's contentions on each such issue, and a summary of any evidence relied upon by the objector (40 CFR 178.27). A request for a hearing will be granted if the Administrator determines that the material submitted shows the following: There is a genuine and substantial issue of fact; there is a reasonable possibility that available evidence identified by the requestor would, if established, resolve one or more of such issues in favor of the requestor, taking into account uncontested claims or facts to the contrary; and resolution of the factual issue(s) in the manner sought by the requestor would be adequate to justify the action requested (40 CFR 178.32).

A record has been established for this rulemaking under docket number [OPP-300328A] (including objections and hearing requests submitted electronically as described below). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as CBI, is available for inspection from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The public record is located in Room 1132 of the Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA.

Written objections and hearing requests, identified by the document control number [OPP-300328A], may be submitted to the Hearing Clerk (1900), Environmental Protection Agency, Rm. 3708, 401 M St., SW., Washington, DC 20460.

A copy of electronic objections and hearing requests filed with the Hearing Clerk can be sent directly to EPA at: opp-Docket@epamail.epa.gov

A copy of electronic objections and hearing requests filed with the Hearing Clerk must be submitted as an ASCII file avoiding the use of special characters and any form of encryption.

The official record for this rulemaking, as well as the public version, as described above will be kept in paper form. Accordingly, EPA will transfer any objections and hearing requests received electronically into printed, paper form as they are received and will place the paper copies in the official rulemaking record which will also include all objections and hearing requests submitted directly in writing. The official rulemaking record is the paper record maintained at the address in "ADDRESSES" at the beginning of this document.

Executive Order 12866

As explained in the proposal published June 30, 1992, the Agency has determined, pursuant to the requirements of Executive Order 12866, that the revocation of these tolerances is not a "major" regulatory action. The reasons for this conclusion are described in the April 14, 1994 proposed rule.

Regulatory Flexibility Act

This rulemaking has been reviewed under the Regulatory Flexibility Act of 1980 (Pub. L. 96-354, 94 Stat. 1164; 5 U.S.C. 601 et seq.), and it has been determined that it will not have a significant economic impact on a substantial number of small businesses, small governments, or small organizations. The reasons for this conclusion are discussed in the April 14, 1994 proposed rule.

List of Subjects in 40 CFR Parts 180, 185, and 186

Environmental protection, Administrative practice and procedure, Agricultural commodities, Feed additives, Food additives, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: September 8, 1995.

Stephen L. Johnson,
Director, Registration Division, Office of
Pesticide Programs.

Therefore, 40 CFR parts 180, 185, and 186 are amended as follows:

PART 180—[AMENDED]

1. In part 180:

a. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 346a and 371.

§ 180.186 [Removed]

b. By removing § 180.186 *Tributylphosphorotrithioite; tolerances for residues.*

§ 180.203 [Removed]

c. By removing § 180.203 *1,2,4,5-Tetrachloro-3-nitrobenzene; tolerances for residues.*

§ 180.233 [Removed]

d. By removing § 180.233 *O,O-Dimethyl O-p-(dimethylsulfamoyl) phenyl phosphorothioate including its oxygen analog; tolerances for residues.*

§ 180.247 [Removed]

e. By removing § 180.247 *2-Chloroallyldiethyldithiocarbamate; tolerances for residues.*

§ 180.260 [Removed]

f. By removing § 180.260 *Norea; tolerances for residues.*

g. By revising § 180.268, to read as follows:

§ 180.268 Barban; tolerances for residues.

A time-limited tolerance, with an expiration date of January 1, 1998, is established for negligible residues of the herbicide barban (4-chloro-2-butynyl *m*-chlorocarbamate) in or on the raw agricultural commodities barley, flax seed, lentils, mustard seed, peas, safflower seed, soybeans, sugar beets, sugar beet tops, sunflower seed, and wheat.

§ 180.280 [Removed]

h. By removing § 180.280 *Dimethyl phosphate of alpha-methylbenzyl-3-hydroxy-cis-crotonate; tolerances for residues.*

§ 180.302 [Removed]

i. By removing § 180.302 *Hexachlorophene; tolerances for residues.*

§ 180.308 [Removed]

j. By removing § 180.308 *Pirimiphos-ethyl; tolerances for residues.*

§ 180.310 [Removed]

k. By removing § 180.310 *Sodium trichloroacetate; tolerances for residues.*

§ 180.319 [Amended]

l. By amending § 180.319 *Interim tolerances* by removing the entry for phenothiazine from the table of pesticide chemicals therein.

§ 180.322 [Removed]

m. By removing § 180.322 *2-Chloro-1-(2,4-dichlorophenyl) vinyl diethyl phosphate; tolerances for residues.*

§ 180.327 [Removed]

n. By removing § 180.327 *Dinitramine; tolerances for residues.*

§ 180.329 [Removed]

o. By removing § 180.329 *Dipropetryn; tolerances for residues*.

§ 180.336 [Removed]

p. By removing § 180.336 *Cycloheximide; tolerances for residues*.

§ 180.351 [Removed]

q. By removing § 180.351 *Bifenox; tolerances for residues*.

§ 180.400 [Removed]

r. By removing § 180.400 *Flucythrinate; tolerances for residues*.

PART 185—[AMENDED]

2. In part 185:

a. The authority citation for part 185 continues to read as follows:

Authority: 21 U.S.C. 346a and 348.

§ 185.3300 [Removed]

b. By removing § 185.3300 *Flucythrinate; tolerances for residues*.

PART 186—[AMENDED]

3. In part 186:

a. The authority citation for part 186 continues to read as follows:

Authority: 21 U.S.C. 348.

§ 186.3300 [Removed]

b. By removing § 186.3300 *Flucythrinate*.

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40 CFR Part 271

[FRL-5302-8]

North Carolina; Final Authorization of Revisions to State Hazardous Waste Management Program

AGENCY: Environmental Protection Agency.

ACTION: Immediate final rule.

SUMMARY: North Carolina has applied for final authorization of revisions to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). North Carolina's revisions consist of the provisions contained in rules promulgated between July 1, 1992, and June 30, 1993, otherwise known as RCRA Cluster III. These requirements are listed in Supplementary Information, section B of this document. The Environmental Protection Agency (EPA) has reviewed North Carolina's application and has made a decision, subject to public review and comment, that North Carolina's hazardous waste

program revisions satisfy all of the requirements necessary to qualify for final authorization. Thus, EPA intends to approve North Carolina's hazardous waste program revisions. North Carolina's application for program revisions is available for public review and comment.

DATES: Final authorization for North Carolina's program revisions shall be effective November 27, 1995, unless EPA publishes a prior Federal Register action withdrawing this immediate final rule. All comments on North Carolina's program revision application must be received by the close of business, October 27, 1995.

ADDRESSES: Copies of North Carolina's program revision application are available during normal business hours at the following addresses for inspection and copying: North Carolina Department of Environment, Health, and Natural Resources, P.O. Box 27687, Raleigh, North Carolina 27611-7687; U.S. EPA Region 4, Library, 345 Courtland Street, NE, Atlanta, Georgia 30365; (404) 347-4216. Written comments should be sent to Al Hanke at the address listed below.

FOR FURTHER INFORMATION CONTACT: Al Hanke, Chief, State programs Section, Waste programs Branch, Waste Management Division, U.S. Environmental Protection Agency, Region 4, 345 Courtland Street, NE, Atlanta, Georgia 30365; (404) 347-2234.

SUPPLEMENTARY INFORMATION:**A. Background**

States with final authorization under Section 3006(b) of the Resource Conservation and Recovery Act ("RCRA" or "the Act"), 42 U.S.C. 6926(b), have a continuing obligation to maintain a hazardous waste program that is equivalent to, consistent with, and no less stringent than the Federal hazardous waste program. In addition, as an interim measure, the Hazardous and Solid Waste Amendments of 1984 (Pub. L. 98-616, November 8, 1984, hereinafter "HSWA") allows States to revise their programs to become substantially equivalent instead of equivalent to RCRA requirements promulgated under HSWA authority. States exercising the latter option receive "interim authorization" for the HSWA requirements under Section 3006(g) of RCRA, 42 U.S.C. 6926(g), and later apply for final authorization for the HSWA requirements.

Revisions to State hazardous waste program are necessary when Federal or State statutory or regulatory authority is modified or when certain other changes

occur. Most commonly, State program revisions are necessitated by changes to EPA's regulations in 40 CFR Parts 124, 260 through 266, 268, 270, and 279.

B. North Carolina

North Carolina initially received final authorization for its base RCRA program effective on December 31, 1984, (49 FR 48694). North Carolina most recently received final authorization effective January 9, 1995, for HSWA Cluster I, including Corrective Action (59 FR 56000, November 10, 1994). Today, North Carolina is seeking approval of its program revisions in accordance with 40 CFR 271.21(b)(3).

EPA has reviewed North Carolina's application and has made an immediate final decision that North Carolina's hazardous waste program revisions satisfy all of the requirements necessary to qualify for final authorization. Consequently, EPA intends to grant final authorization for the additional program modifications to North Carolina. The public may submit written comments on EPA's immediate final decision up until October 27, 1995.

Copies of North Carolina's application for these program revisions are available for inspection and copying at the locations indicated in the **ADDRESSES** section of this notice.

Approval of North Carolina's program revisions shall become effective November 27, 1995, unless an adverse comment pertaining to the State's revisions discussed in this notice is received by the end of the comment period.

If an adverse comment is received EPA will publish either: (1) a withdrawal of the immediate final decision, or (2) a notice containing a response to comments which either affirms that the immediate final decision takes effect or reverses the decision.

EPA shall administer any RCRA hazardous waste permits, or portions of permits that contain conditions based upon the Federal program provisions for which the State is applying for authorization and which were issued by EPA prior to the effective date of this authorization. EPA will suspend issuance of any further permits under the provisions for which the State is being authorized on the effective date of this authorization.

North Carolina is today seeking authority to administer the following Federal requirements promulgated between July 1, 1992, and June 30, 1993, for the requirements of RCRA Cluster III.